

EXHIBIT A

Case No. 21-CV-0811-TSZ

(Exhibit A to Declaration of David Schaefer)

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June 29, 2021

KEVIN R. MARTIN, ESQ.
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Via First Class Mail

Holly M. Simpkins
PERKINS COIE
1201 Third Avenue
Suite 4900
Seattle, WA 98101-3099

Re: Destiny 2

Dear Ms. Simpkins:

This firm represents Phoenix Digital Group, LLC, (“PDG”) owner and operator of the website aimjunkies.com. We are writing today on behalf of PDG, who, with its members David Schaefer and Jordan Green, as well as its affiliates Jeffrey Conway and James May, have all been named in a complaint recently filed in the United States District Court Western District of Washington and all of whom are familiar with the claims made in the complaint regarding aimjunkies.com and sale of the software titles related to Bungie, Inc.’s Destiny 2 video game. We are writing today to provide plaintiff Bungie, Inc. with some critical information about our clients and their operations in hopes of an early and sensible resolution to this dispute.

As you know, Mark C. Humphrey with Mitchell Silberberg & Knupp, LLP in Los Angeles, California originally contacted Jeffrey Conway, formerly with PDG, in November 2020 demanding PDG cease and desist offering for sale certain services on its aimjunkies.com website. According to the correspondence, Bungie, Inc. believed that our client offered Destiny 2 players a monthly service through its website providing certain hacks to the game for players to gain advantage in play without fear of being banned. Alleging potential claims for copyright infringement, Bungie, Inc. demanded that Conway and PDG immediately cease and desist from offering such services as well as any other activities in connection with any of Bungie’s games and services, whether through aimjunkies.com, mombotcheats.com or virtual-advantage.com. According to the letter, your client needed confirmation in writing that Conway and PDG would comply with the cease and desist demand, or they may not have another opportunity to resolve the matter short of legal action.

Mr. Conway responded to that correspondence in writing on November 20, 2020, advising that PDG had sold its website to owners of the CallofDutyHacks.RU website. Although our client was in process of selling its websites in November 2020, that sale ultimately did not go through and PDG still owns and operates the subject websites today. The correspondence from counsel, however, and the demand that titles related to Destiny 2 be removed did not go unheeded. Without disputing the accuracy of the information set out in the November 2020

Holly M. Simpkins
June 29, 2021
Page 2

correspondence, upon its receipt Mr. Conway and PDG (at the direction of Mssrs. Schaefer and Green) immediately took steps to remove any and all titles related to Destiny 2 from its website at aimjunkies.com and any other website it owns or operates. PDG pulled all of the allegedly infringing titles from its websites and the last sales of any software related to Destiny 2 were made in November 2021. PDG and the other named defendants have been in full compliance with Bungie's demands since that time. To evidence this compliance, we are providing Bungie with the sales records for the Destiny 2 title from October 1, 2020 which was sold at \$34.95. As you can see, the total sales for any titles related to Destiny 2 were minimal and the last sale occurred on November 12, 2020 just one week following receipt of the November 4, 2020 cease and desist letter.

PDG and the other defendants have no desire to engage in protracted litigation over this matter. The sales from the allegedly infringing service were limited and as of November 2020 all titles related to Destiny 2 had been removed from the subject websites and remain so. I can tell you also that PDG does not have substantial assets and could not satisfy any meaningful judgment as the business has been operating at a loss for the past two years.

We trust that this information will be sufficient to demonstrate to Bungie that there is no ongoing issue. We respectfully request the Complaint (Case No. 2:21-cv-811) filed June 15, 2021, in the United States District Court Western District of Washington be dismissed with prejudice.

Nothing in this letter is intended to nor shall be considered a waiver, admission, or other disposal of any rights, claims, defenses, or causes of action held by PDG or the individual defendants identified above. Defendants reserve all rights in connection with the matters discussed in this letter.

I am available to discuss this matter at any time.

Sincerely,

STRATEGY LAW, LLP

Kevin Martin

Kevin R. Martin
Of Counsel

KRM/ma